

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: AVEO Pharmaceuticals, Inc.
Securities Litigation

Civ. A. No. 1:13-cv-11157-DJC

**ASSENTED TO MOTION TO EXTEND MOTION TO DISMISS BRIEFING
SCHEDULE AND EXCEED PAGE LIMITS**

Pursuant to Local Rule 7.1(B)(4), Defendants AVEO Pharmaceuticals Inc., Tuan Ha-Ngoc, David B. Johnston, William Slichenmyer, and Ronald DePinho (“AVEO”) hereby move for: (1) an extension by one week of the briefing schedule for Defendants’ Motion to Dismiss the Amended Complaint; (2) leave for AVEO to file a memorandum up to and including 30 pages, in excess of the 20 page limit set by the Local Rule, in support of its forthcoming motion to dismiss Lead Plaintiffs Robert Levine's and William Windham's (the “Plaintiffs”) Amended Complaint in the above-captioned matter (the “Amended Complaint”); (3) leave for Plaintiffs to file a memorandum up to and including 30 pages, in excess of the 20 page limit, opposing AVEO’s motion to dismiss; and (4) leave for AVEO to file a memorandum up to and including 20 pages, in reply to Plaintiffs’ opposition.

In support of this motion AVEO states as follows:

1. As set forth in the Joint Stipulation and Motion of All Parties Regarding Service, Scheduling and Pleading filed by the parties on July 3, 2013 and the Assented-To Motion Regarding Service, Scheduling and Pleading filed by AVEO on December 19, 2013 (together, the “Scheduling Motion”) and this Court’s order granting the Scheduling Motion on December 27, 2013 (the “December 27, 2013 Order”), Plaintiffs filed an Amended Complaint on February 3, 2014.

2. Pursuant to the December 27, 2013 Order, AVEO's deadline to file a motion to dismiss the Amended Complaint and supporting memorandum is April 4, 2014 and Plaintiffs' opposition is due on or before June 3, 2014. Additionally, the December 27, 2013 Order granted AVEO leave to file, no later than July 3, 2014, a reply brief in support of its motion to dismiss.

3. Since Plaintiffs filed their Amended Complaint, AVEO has worked diligently on its motion to dismiss, but requires one additional week in order to complete its briefing.

4. Additionally, due to the complexity of the issues presented in this matter and the approximately 26 specifically alleged statements involving multiple alleged misrepresentation(s) and/or omission(s) at issue, 10 additional pages are necessary for AVEO to fully respond to the allegations in the Amended Complaint.

5. AVEO also anticipates that it will require no more than 20 pages to respond to Plaintiffs' opposition, if Plaintiffs' opposition is 30 pages long.

6. AVEO believes that the extension of the briefing schedule and these page extensions will benefit the Court by enabling both AVEO and Plaintiffs to comprehensively address the complex legal issues raised in this matter.

7. Plaintiffs assent to the relief requested by this motion, and have indicated that they will require 10 additional pages to oppose AVEO's motion if AVEO's supporting memorandum is 30 pages long.

WHEREFORE, for these reasons, AVEO respectfully requests that the Court grant this Motion and extend the motion to dismiss briefing schedule by one week, extending the deadline for AVEO's motion to dismiss to April 11, 2014, extending until June 10, 2014 Plaintiffs' deadline to oppose AVEO's motion to dismiss, and extending until July 10, 2014 AVEO's deadline to submit a reply brief in support of AVEO's motion to dismiss. Additionally, AVEO

respectfully requests that the Court grant this Motion and allow it leave to file a memorandum of 30 pages in support of its forthcoming motion to dismiss, grant Plaintiffs leave to file a memorandum of 30 pages in opposition to such motion, and grant AVEO 20 pages for its reply memorandum.

Respectfully submitted,

Dated: March 28, 2014

AVEO PHARMACEUTICALS INC.,
TUAN HA-NGOC, DAVID B.
JOHNSTON, WILLIAM SLICHENMYER,
AND RONALD DEPINHO

By their attorneys,

/s/ Joseph H. Jolly

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SO ORDERED:

Hon. Denise J. Casper
UNITED STATES DISTRICT JUDGE

RULE 7.1(A)(2) CERTIFICATE

I hereby certify that on March 26, 27, and 28, 2014, counsel for AVEO conferred with counsel for Plaintiffs, and the Plaintiffs ASSENT to the relief sought in this Motion.

/s/ Joseph H. Jolly

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”) on this 28th day of March 2014.

/s/ Joseph H. Jolly